

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH V. AWE,

Petitioner,

ORDER

v.

14-cv-872-wmc

GRANT COUNTY COURT,

Respondent.

Petitioner Kenneth V. Awe is currently in custody of the Virginia Department of Corrections at the Red Onion State Prison. Awe has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging a 2006 state court conviction from Grant County, Wisconsin, and he requests leave to proceed without prepayment of the \$5.00 filing fee.

On December 19, 2014, the court ordered Awe to provide a certified copy of his inmate trust fund account statement in support of his application for leave to proceed *in forma pauperis*. (Dkt. # 5.) Awe has filed a motion for reconsideration, arguing that he is penniless and cannot afford to purchase a copy of his trust fund account statement. (Dkt. # 6.) As such, he is unable to comply with the court's order.

The federal *in forma pauperis* statute expressly requires prisoners to provide specific documentation, as follows: "A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefore . . . shall submit *a certified copy of the trust fund account statement (or institutional equivalent)* for the prisoner for the 6-month period immediately preceding the filing of the complaint

or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). In order for this case to proceed, Awe must comply with § 1915(a)(2) by presenting a certified copy of his inmate trust fund account statement or institutional equivalent as directed in the court’s December 19 order. Accordingly, his motion for reconsideration must be denied.

ORDER

IT IS ORDERED that:

1. Petitioner Kenneth V. Awe’s motion for reconsideration (dkt. # 6) is DENIED.
2. Within twenty days of the date of this order, Awe must submit a certified copy of his inmate trust fund account statement (or institutional equivalent) for the 6-month period preceding his petition in compliance with 28 U.S.C. § 1915(a)(2). If Awe fails to comply as directed, this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).

Entered this 26th day of January, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge